

## 37 Am. Jur. 2d Fraud and Deceit § 105

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### Fraud and Deceit

George Blum, J.D., John Bourdeau, J.D., Romualdo P. Eclavea, J.D., Janice Holben, J.D., Karl Oakes, J.D. and Eric C. Surette, J.D.

### IV. False Representations

#### D. Matters of Law

#### 2. Exceptions to Rule of Nonliability

## § 105. Foreign law; law of another state

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### West's Key Number Digest

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[Misrepresentation as to matters of foreign law as actionable, 24 A.L.R.2d 1039](#)

As a general rule, representations as to the law of a foreign state are regarded as representations of fact. A misrepresentation as to that law is therefore a fraud.<sup>1</sup> This rule has been applied, for instance, to misrepresentations of the foreign law of insurance,<sup>2</sup> of foreign automobile registration law,<sup>3</sup> and of foreign irrigation law.<sup>4</sup> Nevertheless, in some jurisdictions, the actionability of the representations may be regarded as limited to those made in bad faith.<sup>5</sup>

### Reminder:

Even where a legal opinion is regarded as such, it may still be actionable where it misrepresents the facts on which it is based or implies the existence of facts which are nonexistent.<sup>6</sup>

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Footnotes

- 1 Bowman v. City of Indianapolis, 133 F.3d 513 (7th Cir. 1998) (applying Indiana law); Hembry v. Parreco, 81 A.2d 77, 24 A.L.R.2d 1034 (Mun. Ct. App. D.C. 1951); Travelers' Protective Ass'n of America v. Smith, 183 Ind. 59, 107 N.E. 283 (1914); State v. Edwards, 178 Minn. 446, 227 N.W. 495, 65 A.L.R. 1253 (1929); Arroyo Shrimp Farm, Inc. v. Hung Shrimp Farm, Inc., 927 S.W.2d 146 (Tex. App. Corpus Christi 1996).
- 2 Rauen v. Prudential Ins. Co. of America, 129 Iowa 725, 106 N.W. 198 (1906).
- 3 Hembry v. Parreco, 81 A.2d 77, 24 A.L.R.2d 1034 (Mun. Ct. App. D.C. 1951).
- 4 Epp v. Hinton, 91 Kan. 513, 138 P. 576 (1914), opinion modified on other grounds on denial of reh'g, Epp v. Hinton, 91 Kan. 919, 139 P. 379 (1914).
- 5 Miller v. McGinnis, 285 Mich. 28, 280 N.W. 96 (1938).
- 6 § 104.

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